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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/526,031

03/15/2000

Jonathan J. Hull

74451.P114

9293

7590

09/19/2008

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EXAMINER

TRAN, QUOC A

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

09/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/526,031	<b>Applicant(s)</b> HULL ET AL.	
	<b>Examiner</b> Quoc A. Tran	<b>Art Unit</b> 2176	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1,4,5,8-13,16,17,20-25,28,29,32-36 and 44-52.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Quoc A. Tran/  
 Examiner, Art Unit 2176

/Doug Hutton/  
 Supervisory Patent Examiner  
 Technology Center 2100

Continuation of 3. NOTE:

As to Box 3(a) the newly amended feature, which has not presented for examination by Examiner before [see the remarks filed 09/09/2008 at Page 14, lines 4-3]. Thus further search/consideration may require.

As to Box 3(b), Applicant's amendments After Final Office Action filed 09/09/2008 to claims 1, 13, and 25, which is failing to comply with the written description requirement. The claim contains subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention- See Applicant disclosure at Page 11 Lines 6-7, which is stated, "The recipients then can access the multimedia document (document and multimedia annotation) by selecting the URL 410" or barcode [emphasis added]. Therefore, the artisan would have well appreciated that when the URL/barcode are selected, which also specify where the identified resource is available and the protocol for retrieving it. In this case the URL may be a barcode that identified resource is available and the protocol for retrieving the audio file. Thus, newly amended Claims 1, 13 and 25 fails to comply with the written description requirement.

As to Box 3(c), accordingly as cites in Box 3(a) and (b) above the newly amended feature are not deem to place the application in better form for appeal at least at this time [see the remarks filed 09/09/2008 at Page 14, lines 4-3].

If the examiner has overlooked the portion of the original disclosure that describes this feature of the present invention and how to make and use this feature of the present invention, then Applicant should specifically point it out (by page number and line number) in the response to this Office Action..

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's Request for reconsideration filed 09/09/2008 has been fully considered but they are not persuasive; Applicant's arguments of the remarks field 09/09/2008, directed toward the newly amended feature, which has not presented for examination by Examiner before [see the remarks filed 09/09/2008 at Page 14, lines 4-3] and further view of the reason set forth in Box (3) cited above).

Therefore, without incorporates the amended features of After Final Amendments, the Examiner respectfully maintains the rejection of the Final Rejection mailed 07/09/2009 at this time.

/Quoc A. Tran/  
Examiner, Art Unit 2176